
OLR Bill Analysis

sHB 5345 (Files 160 and 700, as amended by House “A” and Senate “A”)*

AN ACT CONCERNING HOMEMAKER-COMPANION AGENCIES AND CONSUMER PROTECTION.

SUMMARY:

This bill expands several notice requirements for homemaker-companion agencies (agencies). It also adds certain consumer protections to agency contracts, including specifying (1) when contracts are enforceable and can be cancelled and (2) payment obligations, including allowing agencies to recover payment for work performed.

By law, a homemaker-companion agency is any public or private organization that employs people who provide companion or homemaker services, such as help with personal hygiene, cooking, household cleaning, laundry, and other household chores, but not home health care.

*House Amendment “A” (1) requires agencies to notify clients that a background check was performed before sending an employee to a client’s home rather than providing the check’s results and (2) adds the payment recovery provision.

*Senate Amendment “A” (1) adds to the notice requirement that upon the client’s request, the agency must provide written notice that a background check was performed and (2) eliminates the prior notice background check provision added by House “A.”

EFFECTIVE DATE: January 1, 2014

CONTRACT NOTICE PROVISIONS

By law, agencies must, within seven calendar days of beginning

services, provide the client with a written contract or service plan. These contracts or plans must provide notice that the:

1. client or his or her representative has the right to request changes or review the contract or plan,
2. agency's employees must submit to a comprehensive background check, and
3. agency's records are available for inspection or audit by the Department of Consumer Protection.

By law, agencies must require prospective employees to submit to a comprehensive background check before extending an offer of employment or entering into a contract with a prospective employee.

The bill requires these notices to be conspicuous and in boldface type and also indicate that:

1. upon the request of the client or the client's representatives, the agency must provide written notice that the comprehensive background check, as required by law, was performed for all agency employees that perform homemaker services for the client;
2. the agency is not able to guarantee the extent to which its services will be covered under any insurance plan; and
3. the client may cancel the contract or plan if it does not contain a specific period of duration.

By law, these notice requirements do not apply to agencies servicing clients in the Connecticut Home Care Program for Elders.

CONTRACT ENFORCEABILITY AND CANCELLATION

Under the bill, written contracts or service plans are not enforceable against the client or his or her representative unless they contain all the provisions the law requires. The bill also allows a client to cancel a contract or service plan at any time if it does not state a specific period

of duration.

PAYMENT OBLIGATIONS

The bill requires clients to pay only for actual services rendered. It prohibits an agency from billing for excess fees or costs when it provides the services of a higher-skilled individual than the client needs.

The bill specifically allows an agency that complies with the notice requirements to recover payment for work performed based on the reasonable value of the services the client requested and received. The court must have determined that it would be inequitable to deny such recovery.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/12/2013)

Judiciary Committee

Joint Favorable

Yea 35 Nay 0 (05/14/2013)